

REMARKS

Applicant notes with great appreciation the time and courtesies extend by the Examiner and the Examiner's supervisor during the telephone interview on Tuesday September 14, 2010. Applicant has amended claims 1, 3, 13, 15, 25, and 27 as set forth above in accordance with the Examiner and Examiner's supervisors suggestion to overcome the cited prior art of record. A summary of the discussion during the telephone interview is set forth herein. Additionally, Applicant has amended dependent claim 77 as set forth above to correct a minor typographical error. In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1, 7-9, 13, 19-21, 25, and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,594,699 to Sahai et al. (Sahai), claims 1-2, 7-9, 10-14, 19-21, 22-26, 31-33, 34-36 under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0110234 to Egli et al. (Egli) in view of Sahai, claims 3-6, 15-18, and 27-30 under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai in view of US Patent No. 6,256,669 to Hurwitz (Hurwitz) and in further view of US Patent No. 6,072,787, to Hamalainen et al. (Hamalainen), claims 66-67, 72-73, and 79-80 under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai and in further view of US Patent Application Publication No 2003/0182195 to Kumar (Kumar), claims 68, 74, and 81 under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai and in further view of Kumar and in further view of US Patent Application Publication No. 2002/0143861 to Greene (Greene), claims 69, 75, and 82 under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai and in further view of US Patent Application Publication No. 2005/0169467 to Risan (Risan).

Sahai, Egli, Hurwitz, Hamalainen, Kumar, Greene, and Risan, alone or in combination, do not disclose or suggest, "wherein the content presentation environment information is based on a current operating environment interrogation of the client system performed by an evaluation system in the server to obtain, from the client system, without requesting user input of the currently occurring content presentation environment information at a time of a request for the content from the client system" as recited in claim 1, "wherein the currently occurring content presentation environment information is based on a current operating environment interrogation of the client system performed by an evaluation system in a server to obtain, from the client system, without requesting user input of the currently

occurring content presentation environment information at a time of a request for the content from the client system" as recited in claim 13, or "wherein the content presentation environment information is based on a current operating environment interrogation of the client system performed by an evaluation system to obtain, from the client system, without requesting user input of the currently occurring content presentation environment information at a time of a request for the content from the client system" as recited in claim 25.

Applicant again notes with appreciation the Office's acknowledgement that Egli does not disclose the above-noted claim limitations. However, as discussed below contrary to the Office's position prior to the agreement reached during the telephone interview. Sahai does not disclose the above-noted claim limitations.

The Office's attention is respectfully directed col. 6, lines 57 to col. 7, line 9 in Sahai which is set forth below:

The present invention has been described with respect to an application on the client machine 12 surveying the capabilities of the client 12 and providing them to the server 10. It is possible for the server 10, at the time of an initial hit on the home page for a multimedia service, to send or stream an application to the client, such as a JAVA.TM. applet application in response to the initial HTTP request. However, because of the security features of JAVA which prevent "invasion" of or "snooping-in" the client 12 by a JAVA applet, the application sent by the server 10 to the client 12 is limited to asking (prompting) the user to supply the capability information of the client and asking the user for user specifications/preferences using specific questions, such as "What is the processor type of your machine?" The returned information can then be stored on the server 10 across multiple invocations of the server 10 by the client 12, so that the same questions do not get asked of the user for each request of a new asset. Questions relevant to any new asset types requested by the user can be handled with applets for the new asset type.. (Emphasis added).

Accordingly, as discussed above what is described in Sahai is a client machine that either has the client execute an application to survey the capabilities of the client and then provide them to the server or alternatively the client can prompt the user using specific questions, such as, "What is the processor type of your machine?" to input the capabilities and then provide the results to the server.

This type of prior art has already been discussed in the background of the above-identified patent application in paragraph [0006] as set forth below:

[0006] The most common way for a Website to obtain this information is to ask the user a series of questions or provide several drop down menus. However, this requires the users to have some knowledge of their machine's operating environment. Users savvy enough to be able to provide their machine's environment information find this process tedious and cumbersome. Some users may not bother with providing the Website with the information needed to determine the correct version of the video to send. Other users who are not familiar with their machine's environment information will simply give up trying to download the video rather than spend time trying to obtain this information. Aside from depriving the user from viewing the video, there may be other less obvious but far reaching consequences. For instance, the video may contain advertisements in which case the advertisers lose potential sales. (Emphasis added)

Accordingly, as discussed above this prior method is tedious and cumbersome even for savvy users, others may not bother to provide the correct information resulting in content provide in a poor format, or users may simply get frustrated and give up before the content could be downloaded. Like Sahai and Egli, the other cited references also do not teach or suggest the above noted limitations.

In sharp contrast, the present invention provides a number of advantages, as discussed in the above-identified patent application, by way of example only, in paragraphs [0011] and [0013] which are set forth below:

[0011] The present invention offers a number of benefits in providing a unique and extensible way of seamlessly delivering video content to client systems. The invention relieves operators of the client systems from having to obtain information about their operating environment and/or having to provide that information to the video content source provider before they can receive the appropriate version of the content that can be processed by their system. Thus, operators no longer have to bother selecting from a series of drop down windows or need to input information to identify the particular video player installed on their client system, the video player's version, the particular operating system installed on their client system, the operating system's version, or what network bandwidth speed the client system is connected at. As a result, client system operators will be more likely to wait for the delivery of requested video content since a lesser amount of effort on their part. This will also lead to greatly expanding the video content viewing

audience to include client system operators who are not familiar with their system's operating environment information. (Emphasis added).

...

[0013] The present invention can provide these benefits because the invention is able to obtain the operating environment information from the operator's system. The present invention is able to obtain a client system's operating environment information quickly, such as in a matter of seconds. Furthermore, the present invention is scaleable and degrades gracefully because the invention provides the best possible video experience to operators regardless of the client system's processing capacity and network bandwidth speed the system is connected at. Further, the present invention is advantageous since operators do not need to download and install any additional software or update their existing video player to be able to seamlessly request, receive, and play the video. Still further, the invention provides a unique way of determining a client system's network bandwidth speed so that the appropriate version of the video for the particular client system can be delivered and played by the system in the best manner available by the particular video player installed on the system. (Emphasis added).

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 13, and 25. Since claims 2-12 and 64-69 depend from and contain the limitations of claim 1, claims 14-24 and 70-76 depend from and contain the limitations of claim 13, and claims 26-36 and 77-83 depend from and contain the limitations of claim 25, they are distinguishable over the cited references and are patentable in the same manner as claims 1, 13, and 25.

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited

Respectfully submitted,

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